

**State of Kansas**  
**Department of Administration**  
**Notice of Public Hearing on Proposed Administrative Regulations**

July 21, 2016

A public hearing will be conducted on Tuesday, September 27, 2016 at 1:30 p.m. in Room 509 of the Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas to consider the adoption of proposed amendments to rules and regulations of the Office of Personnel Services, Department of Administration, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Office of Personnel Services, Landon State Office Building, 900 S.W. Jackson, Room 401-N, Topeka, Kansas 66612-1300 or by email to [Kraig.Knowlton@ks.gov](mailto:Kraig.Knowlton@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting John Yeary at (785) 296-2033 (or TYY 1-800-766-3777). The main entrance to the Landon State Office Building is accessible. Handicapped parking is available in metered spaces in front of the building on the east and west sides of Jackson Street as well as the north and south sides of 9<sup>th</sup> Street between Jackson and Kansas Avenue.

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be viewed at the following website:

<http://admin.ks.gov/offices/personnel-services/agency-information>

Summaries of the proposed regulations follow.

**K.A.R. 1-2-74 – Administrative leave.** This regulation defines “administrative leave” and currently restricts the use of administrative leave as a reward. The proposed amendment would eliminate that restriction, thereby allowing State agencies to provide paid time off as a reward to State employees.

**K.A.R. 1-6-23 – Reemployment.** This regulation addresses the reemployment of State employees following a layoff and establishes the Kansas employee preference program, which provides eligible employees with a preference in reemployment with the State. The primary

amendment to this regulation reduces restrictions on the granting of exceptions to the program while other technical amendments update language regarding performance review ratings and correct the statutory citation for the State's veterans' preference program.

**K.A.R. 1-7-11 – Employees entitled to appeal performance reviews.** This regulation grants employees the right to appeal performance ratings received through the State's performance management process as established in K.A.R. 1-7-10. The amendment to this regulation limits the performance ratings that can be appealed by eligible employees to just ratings of "unsatisfactory" or "needs improvement" instead of any rating less than the highest rating of "exceptional" which is what is currently allowed.

**K.A.R. 1-9-23 – Shared leave.** This regulation establishes the State's shared leave program, whereby eligible State employees can receive donations of accrued leave from other State employees. The primary amendment to this regulation limits the amount of sick leave that an employee can donate upon retirement to no more than 80 hours.

**K.A.R. 1-14-8 – Computation of layoff scores.** This regulation provides that layoff scores for State employees are calculated by multiplying an employee's average performance review rating by the employee's length of service. Amendments to this regulation change the value of the length of service component of the formula to be expressed in years rather than months, and also change the value of three of the performance review ratings as well. Other amendments to the regulation change the third tiebreaker in cases of identical layoff scores and eliminate a subsection establishing values for performance reviews conducted prior to the implementation of the current performance management process on October 1, 2009.

**K.A.R. 1-14-10 – Procedures for bumping and layoff conferences.** This regulation establishes procedures for bumping and conferences with impacted employees during the process of a layoff. The primary amendment to this regulation allows agencies to prevent an employee from being laid off regardless of the employee's layoff score if the loss of the employee's particular knowledge, skills, abilities, certification, licensure or combination thereof would substantially impair the agency's ability to perform its essential functions. Language requires that any such action must be approved by the Director of Personnel Services.